

# Notice of Allowability

Application No.

10/092,361

Examiner

Igor N. Borissov

Applicant(s)

DELURGIO ET AL.

Art Unit

3628

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment - After Non-Final Rejection of 07/04/2007.
2. ☒ The allowed claim(s) is/are 1-14 and 18-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Response to Amendment***

Amendment received on 7/04/2007 is acknowledged and entered. Claims 15-17 and 24-25 have been canceled. Claims 1, 8-14 and 21-23 have been amended. Claims 1-14 and 18-23 are currently pending in the application.

Claim Rejections under 35 USC § 112 and 35 USC § 101 have been withdrawn due to the applicant's amendment.

Upon reconsideration, Claim Rejections under 35 USC § 103 have been withdrawn.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 07/04/2007 has been considered by the examiner.

**Allowable Subject Matter**

Claims 1-14 and 18-23 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1 and 8, the best prior art Walser et al. and/or Kelly et al. (2005/0108070 A1) teach a method and a computer-readable medium having computer-readable instructions for execution by a computer said method, including:

collecting store specific information from a plurality of stores; optimizing prices for a plurality of products for each individual store of the plurality of stores, and wherein the price optimization uses demand coefficients, cost coefficients and optimization rules; creating a plurality of store clusters from the plurality of stores based on the closeness

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of the optimized prices of the plurality of products for each individual store, based on store specific information, and based on demand group structure of the plurality of products, and wherein the demand group structure of the plurality of products is based on substitutable products; re-optimizing prices for the plurality of products for at least one of the plurality of store clusters.

However, the prior art of record fails to teach or fairly suggest computing a closeness of the optimized prices of the plurality of products using a distance equation specifically as recited in the claims.

The best NPL prior art, Mulhern et al., while disclosing optimizing retail prices using clustering technique, fails to teach or fairly suggest computing a closeness of the optimized prices of the plurality of products using a distance equation specifically as recited in the claims.

The best foreign art, Falic et al. (WO 00/70519), while teaching calculating prices in response to received requests, fails to teach or fairly suggest computing a closeness of the optimized prices of the plurality of products using a distance equation specifically as recited in the claims.

The remaining dependent claims are considered allowable, as they are dependent and based off an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

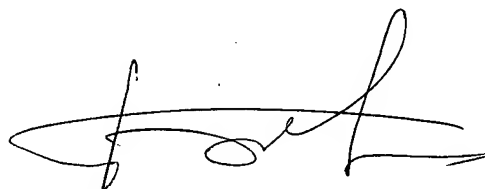
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/10/2007

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, flowing script.

IGOR N. BORISSOV  
PRIMARY EXAMINER